



Testimony before House Great Lakes & Environment Committee

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Supporting Children's Safe Products Act (HB 4763-69)

Thank you Chair Warren and all Committee members for addressing up the Children's Safe Products Act (HB 4763-69). I am the Policy Director for the Ecology Center, a statewide nonprofit organization that works for a safe environment where people live, work and play, and the Michigan Network for Children's Environmental Health - a coalition of leading health professionals and organizations, health-affected groups, environmental organizations and others dedicated to a safe and less toxic world for Michigan's children (membership list included at end of testimony). You have already heard from many organizations and individuals involved in the Michigan Network for Children's Environmental Health (MNCEH), so I will attempt to address some remaining issues and concerns, without rehashing the basic science and rationale for these important bills.

First, I want to remind the Committee that there is a reason for the enormous support for these bills in the health and environmental community and from a bi-partisan group of legislators as well as a among parents and other consumers (over 8,000 public comments have already been delivered): These bills fill a critical gap in ensuring a consumers' right-to-know about the few "worst of the worst" chemicals that can be in children's products. These bills also begin to move Michigan toward a more comprehensive approach to dealing with chemical hazards by establishing a scientific process, based on existing data, to focus on the few chemicals that are known hazards and are in children's products.

I personally have spent lots of time with parents across the state talking about this issue and testing toys for the presence of several toxic chemicals. Michigan parents, including myself as I have a 1-year-old and 3-year-old, are justifiably angry about the existence of so-called "toxic toys" and their potential to impose an unnecessary additional chemical exposure on their children. When parents first learn about the significant presence of toxic chemicals in children's products, they tend to react with trepidation. When they learn that these same products can and often are made without any chemicals of concern, they are relieved – in a way – since they know it is possible to make children's products with identical performance and cost to those with significant levels of chemicals of concern. However, what really taps into their sense of injustice – as it should – is that, as parents and consumers, they currently have no way of distinguishing products that contain chemicals that they are concerned about from those which do not have these chemicals. They do not have the information to make an informed, personal purchasing decision for their children.

The Children's Safe Products Act does not, by any means, completely solve the problem of toxic chemicals in toys or even the problem of transparency in purchasing, but it does help protect the most vulnerable population from increased, unnecessary toxic exposure.

Given the often-misleading special interest testimony that you have already heard, I think it is important for Committee members to know what this very basic set of laws that respect principles of transparency and consumer right-to-know **DO NOT do**:

- 1) **Ban, phaseout, establish standards for or require labeling of any chemicals.** The bills do set up a scientific process to acquire and publicly share information that manufacturers or importers should already have and are required to share with other countries and states about a subset of the worst chemical actors. The toy importers argument that this is somehow burdensome directly contradicts their concurrent assertion that they fully test their products for safety and that they are safe. If they are not using chemicals of highest concern, then they need not be concerned about this law. If they are, then they should have the data and easily be able to share it, as they are doing for other countries and states.
- 2) **Impose any requirements, testing or liability for retailers, small manufacturers, industrial users or any industry other than the large-scale toy manufacturers, which are almost exclusively importers.** This legislation should be a net benefit to Michigan's toy industry, which is almost exclusively retail, with some small, niche manufacturers.
- 3) **Require significant primary research or investment from our already over-taxed state government.** Other states, such as Maine, with more stringent laws are implementing their statutes with approximately 1 FTE since this is simple data gathering, not generation of new data. Of course, as you've heard, California's implementation is far more expensive – they have far more protective and expansive chemical laws, including not only labeling but also mandatory substitutions provisions and other forms of protection. In Michigan, the potential penalties in this law may generate more income than is needed to implement this law, given the oppositional stance of the special interests.
- 4) **Overlap with federal statutes.** The recently passed federal Consumer Product Safety Improvement Act deals with only two chemicals – lead and certain types of phthalates – and imposes strict testing requirements for all manufacturers and retailers. The proposed state law would cover a different set of chemicals, does not impact retailers, and has no threshold levels, bans, testing requirements or other similar requirements. It simply establishes a very basic public database of “chemicals of highest concern” in children's products in Michigan, something the CPSIA does not cover, nor does any other federal regulation. Perhaps a reform of TSCA would cover this, perhaps not. Surely, Congress will move slowly, which is why other states are acting for themselves, as Michigan should do to.
- 5) **Use Speculative Science.** The first set of screens, to create a list of chemicals of concern, simply asks state experts to pull together the existing authoritative lists of inherently hazardous chemicals. The second screen, to create the small set of chemicals of highest concern, essentially require that there is data that children are exposed to these chemicals and that toxicologists believe the exposure is significant. Special interest claims that somehow taking a precautionary approach to identifying and disclosing potentially hazardous chemicals in children's product is a breach of science (“junk science”) disregards decades of peer-review scientific literature. The bills set up a clear and simple system, as opposed to one that requires extensive, expensive and often misleading testing about leachability, exposures and other parameters that industry has proposed. The state does not need this level of testing to simply ask for information about whether these inherently hazardous and demonstrably present in children chemicals are in children's products. Parent and other consumer certainly deserve to

be empowered with basic information about the most hazardous chemicals in children's products without creating expensive regulatory hurdles.

Thank you, once again, for allowing me the opportunity to address some of the issues raised during the course of this debate on the Children's Safe Products Act. The Michigan Network for Children's Environmental Health and the Ecology Center strongly urge you to support HB 4763-69. Our members are more than happy to address any questions you might have.

-----Members of the Michigan Network for Children's Environmental Health -----

American Academy of Pediatrics (Michigan Chapter), Arab Community Center for Economic and Social Services (ACCESS), Association for Children's Mental Health, Autism Society of Michigan, Citizens for Alternatives to Chemical Contamination, Clean Water Fund, Clinton County Family Resource Center, Detroiters Working for Environmental Justice, East Michigan Environmental Action Council, Ecology Center, Healthy Homes Coalition of West Michigan, Learning Disabilities Association (LDA) of Michigan, Local Motion, Michigan Coalition for Children and Families, Michigan Environmental Council, Michigan League of Conservation Voters Education Fund, Michigan Nurses Association, Science and Environmental Health Network, Voices for Earth Justice.

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